

**FINAL REPORT OF THE DEPARTMENT OF JUSTICE**  
**USE OF DEADLY FORCE BY NEW CASTLE COUNTY POLICE DEPARTMENT**

**SUBJECT: ROBERT S. SCHNEIDER**

**OFFICER: STEVEN CRONIN**

**DATE OF INCIDENT: AUGUST 30, 2020**

**Dated: March 5, 2021**

## **Scope of the Investigation**

This is the final report of the Delaware Department of Justice, Division of Civil Rights and Public Trust (“DCRPT”), arising out of the investigation of the use of deadly force by Officer Steven Cronin against Robert S. Schneider (hereinafter “Schneider”). DCRPT reviewed evidence consisting of interviews of civilian witnesses, interviews of police witnesses, scene photos, body camera footage, surveillance footage, dispatch records, police reports, medical records, ATF Trace Reports and the ballistics report. Attorneys with DCRPT reviewed this use of force incident for the Department of Justice.

This is the seventh report issued by DCRPT since its inception, and it is the third report on a case involving a pending criminal defendant.<sup>1</sup> As our reports seek to expand transparency and ensure trust in the process of reviewing the deadly use of force by law enforcement, we must stress that this report is wholly separate from the criminal proceeding – DCRPT’s investigators and prosecutors are not involved in the criminal case, nor are the Criminal Division’s prosecutors involved in DCRPT’s decision making. The outcome of Schneider’s criminal case must be determined solely and exclusively on the evidence presented at trial, and in accordance with the Court’s instructions. This report in no way relieves the State of Delaware of its burdens at trial.

## **Purpose of the Department of Justice Report**

The Department of Justice determines whether a law enforcement officer’s use of deadly force constitutes a criminal act. The Department of Justice does not establish or enforce internal police policies concerning the proper use of deadly force by law enforcement officers. Law enforcement agencies are responsible for establishing and enforcing guidelines for the use of force by their officers and for determining whether an officer’s actions were consistent with such guidelines in a given case. This report expresses no opinion whether involved officers’ actions complied with departmental policies or procedures.

## **Facts**

On Sunday, August 30, 2020 at approximately 6:20 P.M., New Castle County Police Department (“NCCPD”) Officers and Delaware State Police (“DSP”) Troopers responded to a domestic in progress at 55 North Avon Drive in Claymont, Delaware. Trooper Richard Link was dispatched to assist the NCCPD. Upon arrival, Trooper Link and other officers encountered two witnesses standing on the sidewalk near the residence, and Schneider near the carport in the

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<sup>1</sup> Schneider survived a single gunshot to his abdomen, and is now facing charges brought by way of information in The Family Court of the State of Delaware for Offensive Touching, Malicious Interference with Emergency Communications, and Endangering the Welfare of a Child. An information is the charging document for adult criminal cases in Family Court and does not itself constitute evidence of guilt.

driveway of the residence. W1 informed Trooper Link that Schneider was inside the home and was drunk. W1 further stated that they had a verbal disagreement with Schneider prior to the police's arrival, but no physical altercation. Trooper Link advised W1 to stay away from the residence while he approached the driveway to make contact with Schneider. Trooper Link and other officers observed that Schneider was armed with a firearm in a cross-draw holster on his belt. Schneider told the officers not to come any further on his property, at which point Trooper Link stopped and spoke with Schneider to try and get him to allow W1 into the residence to retrieve his/her belongings. Although he said he would allow W1 inside, Schneider refused to disarm, despite officers' commands to do so. Trooper Link observed that Schneider had slurred speech, had trouble keeping his balance, and appeared intoxicated. As officers continued to tell Schneider to disarm, he grew more and more agitated and placed his hand on his weapon. At that point, M/Cpl. Pietlock put his hand on his firearm in response. Schneider then took his hand off of his weapon.

Officers then made a tactical retreat behind nearby patrol vehicles. They eventually retreated further away from the residence, along with W1 and W2. A lengthy standoff, more than one hour, ensued between Schneider and the officers. Various officers on the perimeter of the home reported that Schneider was moving in and out of his home with several firearms and a long gun, which he placed in the carport of the residence. He was also yelling and acting aggressively. The NCCPD crisis negotiation team and SWAT team were notified and responded to the residence. They attempted to engage Schneider in person, over loudspeaker, and by phone to try and get him to surrender, without success.

At approximately 8:33 PM, Schneider exited his home and began walking down the sidewalk toward the lower numbered houses on North Avon Drive. Officer Cronin, M/Cpl. DiSabatino and Trooper Ofner were positioned in front of 49 Avon Drive using vehicles as cover. These officers were the outermost officers on the perimeter. Schneider encountered M/Cpl. DiSabatino, who gave Schneider multiple, clear commands to stop where he was, which went ignored. M/Cpl. DiSabatino and Officer Cronin heard Schneider say, "just shoot me" as he was walking towards them with a cupped hand. Schneider then raised an object in his left hand, illuminating all three officers' positions. Officer Cronin fired two rounds at Schneider using his rifle. One round struck Schneider in the abdomen, and the other missed. Schneider immediately fell to the ground, landing on his back, near the patrol vehicle that Officer Cronin was using as cover. Schneider was handcuffed, and then M/Cpl. DiSabatino rolled Schneider onto his side to search him. Police found two guns while securing Schneider – a revolver was removed from a holster on his belt and semiautomatic handgun was found on the ground underneath him, along with a flashlight. Multiple loaded magazines were also found on Schneider. SWAT paramedics were radioed and arrived within about ten seconds to administer medical assistance.

## ***Police Witnesses***

### **NCCPD Officer Steven Cronin:**

Officer First Class Steven Cronin was interviewed by investigators on September 1, 2020 in connection with this incident. He explained that he was working patrol on August 30<sup>th</sup> and was working the 6:00 P.M. to 5:00 A.M. shift. He received a dispatch at approximately 6:40 P.M. for a domestic dispute involving an armed suspect and he responded to the scene. He arrived around 7:30 P.M. and parked his patrol vehicle about five houses away from the incident. Upon arrival he observed Schneider and did not see a firearm but could only see his right side. He saw officers had established a perimeter around the house. He saw other officers standing behind another patrol vehicle parked closer to the incident and he armed himself with his patrol rifle and took up a position with them.

Officers made a tactical retreat behind nearby patrol vehicles to avoid Schneider. At the time they retreated, Officer Cronin said he heard that Schneider was not armed. He could see that Schneider was acting aggressively and yelling as officers retreated. Officer Cronin said he was with M/Cpl. DiSabatino and another Trooper whom he did not know.<sup>2</sup> They were waiting while the Crisis Negotiation Team made contact with Schneider to attempt to get him to come out and surrender. Officer Cronin said he heard varying reports over the radio that Schneider was armed. Officer Cronin told investigators that at one point he saw what he believed to be a black holster on Schneider's right hip.

Officer Cronin told investigators that he heard over the radio that Schneider had retrieved a long gun and as a result, they made another retreat further back to another patrol vehicle. He then heard that Schneider's dog had gotten loose and was wandering around, and then that Schneider had disabled the outdoor and indoor lights as it got darker to reduce visibility. Officer Cronin heard over the radio that Schneider was expressing suicidal ideation and heard varying reports that he was armed in the left hand, then the right hand, then with the long gun again. He continued to receive various radio reports about Schneider's position. As he was looking towards the back of the house he could make out a "shadowy figure" moving towards the front of the house but given the darkness he was unable to determine who it was. The shadowy figure then began approaching their location, eventually emerging into a partially lit area. Officer Cronin then realized it was Schneider.

Officer Cronin noticed Schneider was walking "with intent" towards his location and he gave commands for Schneider to "stop moving". As Schneider began approaching the front of the vehicle, Officer Cronin moved towards the back, losing sight of Schneider momentarily. He explained that he had positioned himself in such a way as to minimize any potential collateral damage should he fire his weapon. He explained he took his position specifically to avoid any rounds from entering the house. Officer Cronin continued to give commands to "stop moving"

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<sup>2</sup> Later determined to be Cpl. Ofner.

and Schneider continued to advance. Officer Cronin was aware that Troopers were on either side of him, as well as in a perimeter around the house. Officer Cronin said Schneider raised his left hand in a “threatening manner” and elaborated that it was not a motion consistent with surrender. He could not make out what was in Schneider’s hands given the low light but was aware that Schneider was armed given prior reports. Officer Cronin told investigators that as Schneider was approaching, he heard him say something similar to “just shoot me.” Schneider disregarded commands to “stop” and got to within ten feet of the vehicle. He also could not see Schneider’s hands clearly and saw him lift his left hand in a “threatening” manner, at which time Officer Cronin made the decision to fire.

Officer Cronin told investigators that he made the decision to fire based on the reports that Schneider was armed and was refusing commands and approaching himself and other officers. Officer Cronin also said that if he made it past the perimeter, there was no one else in Schneider’s way. After the shooting, Officer Cronin maintained “lethal coverage” while giving commands to “roll over onto [your] stomach” and “keep [your] hands where we can see”. M/Cpl. DiSabatino and another Trooper took Schneider into custody. They located a revolver, a black handgun, and magazines on Schneider. SWAT arrived soon after and began performing life-saving measures.

#### **Sergeant Heather Carter:**

Sergeant Carter was assigned to NCCPD A Platoon and worked the 5:00 P.M. to 4:00 A.M. shift on August 30, 2020. Sgt. Carter received orders from Lt. Leonard to respond to the scene of the incident and assist Officer Biehl with the Crisis Negotiation Team (“CNT”) given her CNT training. Upon arrival, Sgt. Carter observed Officer Biehl using a loudspeaker to make contact with Schneider. It was still daylight outside. Sgt. Carter was briefed on the domestic incident and informed that Schneider may have a weapon.

Sgt. Carter attempted to talk with Schneider via the loudspeaker without success. Sgt. Carter and Officer Biehl then tried calling Schneider’s cellphone and left three voicemails employing CNT tactics. Schneider never returned their calls. At that time, Sgt. Carter was advised that the CNT was too close to the perimeter and retreated to a further distance. From the new location, Sgt. Carter observed Schneider walking on his property, back and forth from the carport with a dog. Sgt. Carter never observed a weapon on Schneider.

Sgt. Carter then witnessed the CNT make contact with Schneider via his friend’s cellphone two times. The friend was on speaker with Schneider as Sgt. Carter attempted to listen to the conversation. However, due to the friend’s constant moving and distance, Sgt. Carter was unable to hear the conversation. Communication with Schneider was then lost via phone and Officer Biehl used his loudspeaker again. By this time, it was dark outside and more patrol cars were parked in front of Sgt. Carter’s location.

Sgt. Carter lost sight of Schneider and soon heard multiple gunshots. Sgt. Carter also heard a radio broadcast of “shots fired.” She did not witness the shooting. Sgt. Carter then walked to the area where Schneider was located and was advised to talk to Officer DiSabatino as he was a witness to the shooting. Sgt. Carter observed paramedics performing CPR on Schneider.

**Trooper Derick Boamah:**

Trooper Boamah was assigned to Delaware State Police (“DSP”) Troop 1 and worked the 5:00 P.M. to 5:00 A.M. shift on August 30, 2020. Trooper Boamah was initially wrapping up an unrelated incident when he overheard a radio broadcast about the incident and weapons at the scene. Trooper Boamah drove to the scene, arriving approximately at 6:45 P.M., and was directed to block off the street. Once the street was blocked, Trooper Boamah got his rifle and stood cover to secure the area.

Trooper Boamah initially stood with a NCCPD Officer near 53 North Avon Drive where they first observed Schneider with a rifle. After approximately 30 minutes, Trooper Boamah and the NCCPD Officer relocated to standing at 16 Keats Drive, the residence behind Schneider’s house. At that location, Trooper Boamah observed Schneider walking in his backyard and house about 3 times with a dog. Trooper Boamah observed a gun on Schneider’s left hip and a rifle in his hand. Trooper Boamah described Schneider’s behavior as “very casual” – he did not think Schneider was going to hurt anyone or himself.

Approximately an hour later, Trooper Boamah heard 2 gunshots – he did not witness the shooting. Trooper Boamah did not have any other contact with Schneider or other witnesses. Trooper Boamah helped evacuate bystanders from the area. Trooper Boamah stated that Schneider was shot approximately 25 feet behind his patrol car, but he was not standing by his car at that time. Although Trooper Boamah’s patrol vehicle dash cam was on, he reported that it could not have captured the incident because of the direction in which the vehicle was parked.

**Trooper Richard Link:**

Trooper Link was assigned to DSP Troop 1 and worked the 5:00 P.M. to 5:00 A.M. shift on August 30, 2020. He was dispatched to the scene of the incident directly from Troop 1 to assist NCCPD and arrived around 6:23 P.M. Upon arrival, Trooper Link observed Witness 1 (“W1”) and Witness 2 (“W2”) standing on the sidewalk near 55 North Avon Drive. W1 informed Trooper Link that Schneider was inside the home and was drunk. W1 further stated that they had a verbal disagreement with Schneider prior to the police’s arrival, but no physical altercation. Trooper Link advised W1 to stay away from the residence while he approached the driveway to make contact with Schneider.

Trooper Link and other officers encountered Schneider near the carport in the driveway. Trooper Link observed Schneider wearing a black belt with a silver revolver holstered on his left

side. Schneider told the officers not to come any further on his property, at which point Trooper Link stopped and talked with Schneider. Trooper Link asked Schneider if W1 could retrieve some belongings from the home, and he agreed. Trooper Link further asked Schneider to disarm himself approximately 10 times, but Schneider refused. Schneider was very talkative, causing Trooper Link to notice he had slurred speech. Trooper Link also noticed that Schneider had trouble maintaining his balance. Trooper Link determined that Schneider was likely intoxicated.

A NCCPD Officer then arrived to assist Trooper Link's interaction with Schneider. After asking Schneider to disarm himself several more times, Trooper Link observed Schneider become more agitated. Trooper Link believed Schneider's comments started to escalate by stating things were not going to go the way the police wanted. Trooper Link then retreated from the driveway in an attempt to de-escalate the situation as the NCCPD officer remained with Schneider. Trooper Link and other officers returned to their patrol cars where they overheard on the radio that Schneider had numerous long guns inside the residence. At that point, Trooper Link grabbed his rifle but did not aim it at Schneider or the residence – Trooper Link was unsure how interactions with Schneider may escalate. DSP and NCCPD moved one house down to 57 North Avon Drive and held their positions.

Trooper Link remained at a distance near his patrol car and observed Schneider through the carport and backyard fence. He witnessed Schneider walking with a semi-automatic gun in his hand and saw Schneider lay a long gun against a table under the carport. Trooper Link also overheard on the radio that Schneider had a military background. Officers then retreated further from Schneider's residence, finally staying in front of 59 North Avon Drive. Trooper Link stood by his patrol car when he heard one gunshot; he did not see the shooting. Trooper Schneider believed Schneider's demeanor to initially be friendly but soon become agitated as he made comments about Black Lives Matter and refusing to disarm himself.

#### **Master Corporal Matthew DiSabatino:**

M/Cpl. DiSabatino was assigned to NCCPD A Squad Patrol Division. On the evening of August 30, 2020, he worked the 5:00 P.M. to 4:00 A.M. shift. He responded to a domestic in progress when the officers, who were already on scene, called for backup. While in route, M/Cpl. DiSabatino learned via police radio that Schneider had a handgun in a holster on his hip and was not being cooperative.

When M/Cpl. DiSabatino arrived on scene, a perimeter had already been established. M/Cpl. DiSabatino took a position on the outside perimeter on North Avon Drive and Daphne Court with Officer Cronin and Trooper Ofner. They took cover behind a DSP SUV on North Avon that was perpendicular to the intersection, in front of 53 North Avon Drive. M/Cpl. DiSabatino learned over police radio that in addition to the handgun on his hip, Schneider had a handgun in his hand as well. Officers that were closer to Schneider then saw him with a long gun. M/Cpl. DiSabatino and the others were then instructed by Lt. Leonard to pull back. M/Cpl.

DiSabatino, Officer Cronin and Trooper Ofner retreated behind a NCCPD police vehicle in the area of 51 North Avon Drive. They maintained cover behind that vehicle for the remainder of the engagement, positioned on the far-left side of the house. By this time, it was dusk and still naturally lit. M/Cpl. DiSabatino observed Schneider walking in and out of the house. He eventually heard over police radio that Schneider had armed himself with a long gun, and that he had begun to stack long guns in the carport of the residence. M/Cpl. DiSabatino then heard over police radio that there was an arrest team in place if Schneider were to exit the home.

Eventually, M/Cpl. DiSabatino saw Schneider exit the home and walk down the sidewalk on North Avon Drive toward them. M/Cpl. DiSabatino, Officer Cronin, and Trooper Ofner moved toward the front of the vehicle and the sidewalk to try and engage Schneider further. M/Cpl. DiSabatino then moved from his position to another nearby vehicle that was parked on the roadway. M/Cpl. DiSabatino gave Schneider multiple, clear commands to stop where he was, which went ignored. As Schneider continued to walk toward them, M/Cpl. DiSabatino saw the gun on Schneider's right hip in the holster.<sup>3</sup> M/Cpl. DiSabatino continued to tell Schneider to stop, and Schneider ignored him. M/Cpl. DiSabatino then heard Schneider say, "Just shoot me," and observed him continue to walk towards them. M/Cpl. DiSabatino next saw Schneider use an object to illuminate their positions. M/Cpl. DiSabatino then moved out from behind the vehicle to try and engage Schneider further. M/Cpl. DiSabatino then heard one round be discharged, and saw Schneider fall on the ground, landing on his back.

M/Cpl. DiSabatino gave Schneider several commands to roll over onto his stomach, but Schneider did not comply and mumbled "yeah." M/Cpl. DiSabatino then told Officer Cronin and Trooper Ofner to maintain lethal cover of Schneider while he moved in to handcuff him. He then handcuffed Schneider, with the help of Trooper Ofner, removed the handgun from his hip, and tossed it into the yard of the residence in front of them. M/Cpl. DiSabatino rolled Schneider onto his side to search him and saw a blood stain on Schneider's left pocket; he also saw another black handgun on the ground, underneath Schneider on the sidewalk. M/Cpl. DiSabatino then radioed for medical assistance and stated that there had been shots fired that were not self-inflicted. SWAT paramedics arrived within about 10 seconds. M/Cpl. DiSabatino was then pulled aside by Sgt. Carter and provided her with a synopsis of the events. He then reported back to NCCPD headquarters.

#### **Master Corporal Andrew Pietlock:**

M/Cpl. Pietlock was assigned to DSP Troop 1. He worked the 5:00 P.M. to 5:00 A.M. shift the night of August 30, 2020. M/Cpl. Pietlock responded to assist NCCPD with a domestic incident in progress; he was the third responding officer. Upon arrival at the scene, M/Cpl. Pietlock saw W2 walking down the sidewalk toward him. W2 told M/Cpl. Pietlock that they wanted to get some things out of the home, but Schneider would not allow him. W1 then

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<sup>3</sup> It should be noted that in M/Cpl. DiSabatino's body worn camera, the gun was on Schneider's left side.



approached M/Cpl. Pietlock and stated that they and Schneider had a verbal argument, and Schneider had been heavily drinking. W1 stated Schneider came at them as if he was going to hit them, but W2 interjected. W1 told M/Cpl. Pietlock that they wanted to get their stuff and leave for the night. M/Cpl. Pietlock saw Schneider leaning over a railing, next to a Jeep, in front of the house.

M/Cpl. Pietlock walked up the driveway to the house to try and engage Schneider. In response, Schneider stated “stop right there.” M/Cpl. Pietlock then noticed that Schneider had a gun in a holster on his left hip, in a cross-draw fashion. After M/Cpl. Pietlock asked what was going on, Schneider responded, “You tell me what’s going on” and was very “standoffish.” Schneider refused to let officers take his gun and would not move to allow W1 into the house. Schneider kept moving his hands around while talking to officers. Then, Schneider grabbed the top of his gun, and M/Cpl. Pietlock popped the hood down and pulled out his own weapon about an inch. Schneider then took his hand off his gun and became agitated.

M/Cpl. Pietlock and other officers continued talking to Schneider for about 10 minutes without making much progress. During this time, Schneider could see W1 and yelled things at W1. M/Cpl. Pietlock then approached W1 and asked whether Schneider was armed during the verbal argument. W1 responded “no” and explained that Schneider open carries in public. When M/Cpl. Pietlock informed W1 that Schneider currently had a gun on him, W1 was surprised. W1 then informed M/Cpl. Pietlock that Schneider had not drunk for six months but was currently extremely intoxicated. W1 had never seen Schneider in such an intoxicated state. M/Cpl. Pietlock advised W1 to move further down the block, out of eyesight of Schneider. M/Cpl. Pietlock noted that this upset Schneider a bit.

M/Cpl. Pietlock returned near the driveway of 55 North Avon Drive as Officer Link and Trooper Ofner continued talking with Schneider. Then, Lieutenant Diana came on scene and told them they should think about a tactical retreat. Schneider became more agitated so M/Cpl. Pietlock, Officer Link and Trooper Ofner backed down the driveway to their cars, which were parked right in front of the house. Schneider remained standing near the rail and the Jeep. M/Cpl. Pietlock and Officer Link retrieved their rifles. Trooper Ofner had his rifle as well. Schneider became more agitated after seeing the rifles.

M/Cpl. Pietlock and Officer Link then relocated to 57 North Avon Drive and took cover behind the parked cars in the driveway. Trooper Ofner stayed behind his police car and continued talking to Schneider. M/Cpl. Pietlock and Officer Link had a good view of Schneider and could see that Schneider had armed himself with a handgun on each hip. Schneider then went into the house and someone (M/Cpl. Pietlock does not specify who) saw him emerge with a long gun, which he leaned against the front of the Jeep. Lt. Diana said they needed to get some armor out there and told them to back up more. M/Cpl. Pietlock and Officer Link, along with two NCCPD officers, then moved to 59 North Avon Drive, losing sight of Schneider. M/Cpl. Pietlock and Officer Link were behind a pickup truck in the driveway and covered the back

corner of the house at 59 North Avon to prevent Schneider from coming around. NCCPD officers were on the corner of the house at 59 North Avon looking down the front of the houses. They stayed there for an extended period of time.

Then, Lieutenant Diana stated on the police radio that NCCPD SWAT was going to take their positions. They never came. M/Cpl. Pietlock and Officer Link heard over the police radio that Schneider was walking down the sidewalk in front of houses – they heard 2 shots fired. As the paramedics arrived, M/Cpl. Pietlock and Officer Link retreated down the street. They then escorted the paramedics to the scene. Upon arriving at the scene of the shooting, someone told M/Cpl. Pietlock that there was a gun in the grass close to the scene. He stood over the gun until it was retrieved by a NCCPD officer. M/Cpl. Pietlock described Schneider's demeanor throughout the entire incident as "standoffish," and very tense. It was obvious he was intoxicated. He was "sloppy" and was always leaning on something.

#### **Trooper Daniel McColgan:**

Trooper McColgan was assigned to DSP Troop 1 Uniform Patrol A shift. On August 30, 2020, he worked the 6:00 P.M. to 7:00 A.M. shift. Trooper McColgan was in Greenville when he heard on the police radio that there was a domestic in progress. Trooper McColgan further heard that there was a gun in play, and that the suspect was not cooperating with officers. He also could hear, via transmissions, that it was taking a while for the officers to arrive and get the situation under control, so he decided to assist.

When he arrived at the scene, Trooper McColgan pulled onto the block but did not go to 55 North Avon Drive. At that time, officers were negotiating with Schneider and trying to de-escalate the situation. Schneider stood in front of the home with a gun holstered on his hip. Trooper McColgan and a K9 officer shut down the street. Lt. Diana then advised officers to retreat and allow Schneider to blow off some steam. As Trooper McColgan and the K9 officer extracted W1 and W2, Trooper McColgan heard that W6 was coming to possibly de-escalate the situation more.

Witness 6 arrived and tried talking to Schneider by phone. Other officers and a negotiator tried talking to Schneider as well through a PA system and on the phone. Eventually, Trooper McColgan and other officers decided to let Schneider calm down, as it appeared he was very angry. The officers secured the surrounding area by either evacuating or advising neighbors to shelter-in-place. It began getting dark out and then officers saw Schneider with a long gun, which concerned them.

The SWAT team and armored personnel vehicles were in route. Trooper McColgan and the other officers continued to hold their ground and monitor Schneider. They observed him go back and forth between the front and back of the house. Schneider had a gun on his hip and the long gun in his hand. Trooper McColgan observed Schneider through binoculars. Schneider looked into their police cruisers a couple of times and then walked down the sidewalk. At that

point, Trooper McColgan lost sight of him Trooper McColgan then heard two shots fired. Trooper McColgan stated that he and the other officers did everything they could to de-escalate the situation and get Schneider to surrender, but Schneider chose not to be compliant.

### **Corporal Frank Ofner:**

Corporal Ofner was interviewed on August 30, 2020 regarding his involvement with the incident. He advised that he responded to the scene to assist other officers with a domestic situation involving a suspect with a firearm. When he arrived, he observed Schneider with a handgun holstered on his hip. He could hear Trooper Link trying to talk Schneider down. Corporal Ofner armed himself with a rifle and took up a position behind his patrol vehicle to provide overwatch.

Schneider was getting angrier as officers were trying to calm him down. More officers arrived on scene and they established a larger perimeter. Lieutenant Diana ordered officers to withdraw further back to give Schneider additional distance. Corporal Ofner retreated to another patrol vehicle with M/Cpl. DiSabatino and Officer Cronin. Schneider was wandering around, going in and out of the house. After Schneider grabbed a long gun, they fell back further to another patrol vehicle to give Schneider additional space.

Schneider exited the house and started walking towards Corporal Ofner, M/Cpl. DiSabatino, and Officer Cronin. Officer Ofner observed two guns, one in a holster and another in his belt. Corporal Ofner heard Officer Cronin issuing multiple orders to “stop moving.” Corporal Ofner was prone giving cover, and he got up to change positions and lost sight of Schneider. As he did so, he heard two shots fired. He heard Schneider yell, “I can’t believe you shot me” and Officer Cronin yelled at him “not to reach for the gun.” Other officers issued commands to roll onto his side and put his hands behind his back. Corporal Ofner approached and took Schneider into custody. He searched Schneider and located multiple loaded magazines on him, a firearm in his holster and a black handgun lying next to him. He also found a flashlight next to Schneider. He then called for medics to assist.

### **Master Corporal Eric Biehl:**

Master Corporal Eric Biehl was interviewed on August 30, 2020 on a body worn camera regarding his involvement with the incident. He responded to the scene to assist with negotiations. Upon arrival, he was informed that the incident began as a domestic incident and the suspect was armed. He utilized a loudspeaker on a police vehicle to negotiate with Schneider. He also called Schneider on his cell phone multiple times, but he did not pick up. Eventually Schneider’s friend (W6) was able to make contact with him. M/Cpl. Biehl said that Schneider was questioning why the police were there and said that they should leave. He said Schneider was agitated and appeared to be intoxicated. While M/Cpl. Biehl was giving instructions on the loudspeaker he heard two shots. He did not witness the shooting and could not see Schneider.

## ***Civilian Witnesses***

### **Witness 1 (W1):**

W1 was interviewed as a part of this investigation and stated that on August 30, 2020 they were at 55 North Avon Drive with Schneider. Around 1:00 P.M., Schneider left the residence to visit a friend while W1 left to visit a family member. W1 returned to the residence before Schneider – he arrived around 6:00 P.M. W1 immediately noticed that Schneider was drunk. An argument then ensued between W1 and Schneider where he admitted to drinking 12 Corona beers. W1 observed Schneider throw food on the floor, further escalating the disagreement. W2 then stepped in and asked Schneider to go to bed. Schneider approached W2, but W1 stood in the middle of them.

As Schneider and W1 continued to argue, Schneider grabbed W2's cellphone and accidentally called 911. W1 believed the 911 dispatcher could hear the yelling over the phone. Schneider then walked to a fish tank within the residence and grabbed a handgun. W1 stated that Schneider held the gun in the air – he never pointed the gun or threatened to use the gun. W1 and W2 then walked outside the residence and stood in the driveway. W1 could not leave because Schneider's car blocked their car. W1 observed W2 talking with police via their Apple Watch. W1 and W2 then started walking down the street as the police arrived.

Officers asked W1 and W2 to stay behind police cars and remain out of sight as not to agitate Schneider. As officers talked with Schneider, he yelled at W1 to return to the residence to gather their belongings; W1 did not respond. At 7:57 P.M., W1 received a text message from Schneider that read "Are we having fun yet." A few minutes later at 8:07 P.M., W1 received a second text message from Schneider about him not making it into work the next day. W1 did not respond to either text message. Officers continued to move W1 and W2 away from 55 North Avon Drive until they were about one block away.

W1 did not hear or see the shooting but suspected something happened when they saw an ambulance. W1 stated that Schneider has anger issues and "a crazy temper, especially when he drinks." W1 suspected that he would not cooperate with police easily. W1 believed that if they had not left the residence and the police never arrived, Schneider would have shot W1, W2, or himself. W1 stated that they have called the police on Schneider before due to domestic disputes. W1 further stated that Schneider had never expressed suicidal thoughts or a desire to shoot other people. W1 was terrified and shocked by the events on August 30, 2020.

### **Witness 2 (W2):**

On August 30, 2020, W2 was at 55 North Avon Drive when Schneider returned around 6:00 P.M. W2 immediately determined that Schneider was drunk. W2 asked Schneider if he wanted food. Schneider grabbed a dish and ate until he threw it on the floor. W2 then observed Schneider and W1 argue. W2 asked Schneider to go to bed which caused Schneider to approach

W2. W1 stepped in between Schneider and W2. Schneider grabbed W2's cellphone and threatened to smash it. As he did that, Schneider accidentally called 911. W2 believed the 911 dispatcher could hear the argument between Schneider and W1.

W2 and W1 momentarily stepped outside the residence. Upon re-entering, W2 observed Schneider go near a fish tank and grab a 9mm handgun. W2 stated Schneider waved the gun in the air but did not point it or threaten to use it. W2 and W1 then went back outside, and W2 called 911 using an Apple watch. The police arrived approximately 15 minutes later, at which point W2 and W1 retreated from the residence. W2 and W1 were eventually ushered about a block away from 55 North Avon Drive. W2 did not witness the shooting.

W2 believed that Schneider had consumed twelve Corona beers that day. W2 stated that Schneider gets "very mean" when he drinks, but domestic disputes do not happen often. W2 reported that Schneider kept a 9mm handgun and a revolver near the fish tank with other guns locked away in a safe in the lower level of the residence. W2 had never known Schneider to have mental health issues, suicidal thoughts, or threaten to harm others.

**Witness 3 (W3):**

Witness 3 was interviewed regarding their interactions with Schneider prior to the incident that night. W3 said that on August 30, 2020, Schneider came over and consumed approximately 12 Corona beers in six hours. W3 said that Schneider had not had an alcoholic drink in six months and that August 30, 2020 was the first time Schneider had consumed alcohol again. W3 denied that Schneider consumed any illicit drugs. W3 stated that Schneider left at approximately 6:00 P.M. W3 stated that between 7:00 P.M. and 7:15 P.M. W3 received a call from Schneider stating that police cars were in front of his house. W3 told Schneider not to do anything stupid.

**Witness 4 (W4):**

At the time of the incident, W4 was in his/her home, located next to Schneider's home, in the bathroom. W4 heard bullhorns outside. Witness 5 ("W5") came home and stated that there were a lot of cop cars outside. W4 looked out the bathroom window and saw Schneider outside with a black gun, a pistol. He was shouting. W4 then heard W5 ask Schneider from his/her bedroom window whose house officers were at. Schneider responded, "Mine and I'm about to F'in shoot them all." W4's family member also looked out the bedroom window with W5 and saw Schneider with a rifle. W4 then went downstairs and looked out the kitchen window. The police knocked on the front door and told W5 to leave if they could, because Schneider had direct access to their backyard.

**Witness 5 (W5):**

W5 lives next door to Schneider. W5 was at work and arrived home around 6:00 or 7:00 PM. W5 heard a bullhorn calling for Schneider to come out. W5 called for W4, who was upstairs in the bathroom. W5 heard Schneider yelling. W5 went upstairs into the bedroom and looked out the bathroom window. W5 saw Schneider come out the back door of his residence and run across the backyard with a pistol. W5 saw a patrol car in front of Schneider's driveway heading toward Ruby Drive. W5 was not sure where the problem was. W5 observed Schneider go into his house and come back out with another rifle. Schneider now had a gun in each hand and a belt on. W5 then yelled "whose house are they at" and Schneider responded, "My house and I'm going to shoot them all." W5 then closed the window and stepped away. W5's family member then arrived and W5 explained what was happening. The police then knocked on the door and suggested that W5 his/her family leave the home so the officers could use the home to watch Schneider. The officer suggested that W5 and his/her family leave the neighborhood. W5 recalled the he/she watched everything unfold within a span of 10 minutes.

**Witness 6 (W6):**

On the night of August 30, 2020, as W6 cooked dinner, he/she received two calls from an unidentified number and did not answer. W6's family member then received Facebook messages from W1, asking for that person to call W1. W6 called and W1 stated that Schneider was drunk and that the police were present. W6 said he/she would come over. When W6 arrived at the house, he/she told police that he/she could talk to Schneider and calm him down. W6 then called Schneider on the phone and spoke to him. Schneider was rambling and angry.

**Witness 7 (W7):**

W7 was contacted by investigators regarding their conversations with W1 on August 30, 2020. W7 said s/he received a call from W1 around approximately 6:30 P.M. and W1 was screaming. W1 said that Schneider was fighting with W2. W1 said that Schneider was drunk and had said he had "12 Coronas". W7 heard W1 scream "he's got a gun" and W7 told W1 to leave the house with W2. W1 told W7 that Schneider said, "No police are getting in here". W7 was aware that Schneider possessed multiple guns.

*Physical Evidence*



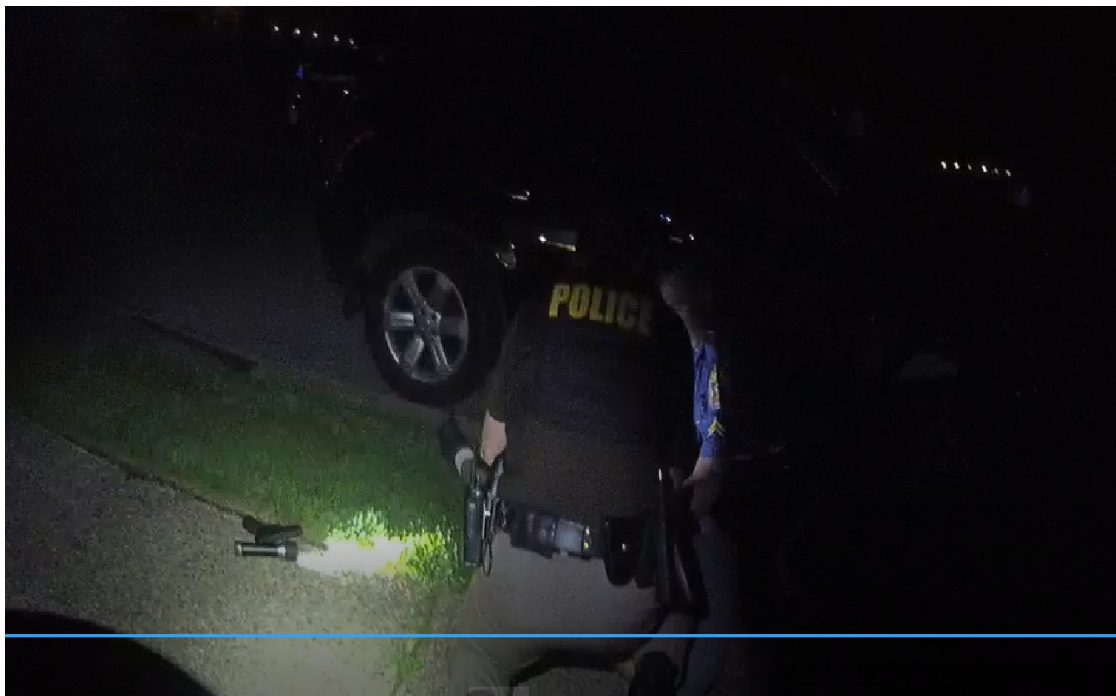
**Robert Schneider's initial interaction with Officer Mulford**



**Schneider standing in the driveway**



**Schneider with cupped hands as he is walking toward police, ignoring commands**



**Flashlight and handgun found underneath Robert Schneider after he was taken into custody by police**





**Gun, flashlight and ammunition found near and on Robert Schneider**



## **Holster and belt taken off Robert Schneider after the shooting**

### **Body Worn Cameras:**

Multiple Officers who responded to the scene were equipped with body worn cameras (“BWC”), including NCCPD Officer Mulford, Officer DiSabatino, and Officer Cronin. All cameras contained visual and audio. All officers activated their respective body worn cameras prior to the shooting. Officer Mulford’s footage showed his initial arrival to 55 North Avon Drive and subsequent interaction with Schneider. Schneider can be viewed standing near the driveway of his residence with a firearm holstered on his left hip. Officer Mulford’s BWC showed his and two DSP Troopers’ verbal exchange with Schneider, asking him multiple times to temporarily disarm. Schneider refused to disarm each time, despite making comments about his support of law enforcement. Officer Mulford’s BWC further showed law enforcement communicating with Schneider in an attempt to de-escalate as well as officers positioned at various posts, observing the scene. Officer Mulford’s BWC did not capture the visual of the shooting; however, gunshots can be heard.

Both Officers DiSabatino and Cronin’s footage captured the incident. The BWCs showed both officers positioned near a parked vehicle across the street from 55 North Avon Drive. Officer DiSabatino’s BWC showed him positioned in front of a parked vehicle near 49 North Avon Drive. As Schneider walked down the sidewalk on the opposite side, towards law enforcement, Officers DiSabatino and Cronin ran across the street, nearing the sidewalk where Schneider was located. Officer Cronin and other unidentified officers directed Schneider to stop moving multiple times. Schneider continued to walk down the sidewalk.

Officer DiSabatino’s BWC then showed him crouched at the hood of a parked vehicle with a clear view of Schneider. Both BWCs showed Schneider raising his left arm towards law enforcement with a bright light. The light from Schneider’s hand blurred the visibility of his upper body. Officer Cronin’s BWC showed him aiming and firing his rifle at Schneider as he raised his left arm. Both BWCs captured Schneider falling to the ground and landing on his back. Officer DiSabatino’s BWC showed a bloodied area on Schneider’s lower left torso.

Officers DiSabatino and Cronin gave Schneider multiple verbal commands to stop moving and keep his hands visible. Officer DiSabatino and a DSP Trooper moved in to arrest Schneider. Paramedics arrived and immediately administered medical care to Schneider. Officer Cronin stepped to the side as officers secured the scene.

### **Officer Patrol Vehicle Videos:**

Multiple DSP Troopers who responded to the scene were equipped with patrol vehicle dash cameras, including Troopers Boamah, Link, McColgan, Ofner, and Pietlock. Only Trooper Link’s dash camera captured footage of law enforcement and Schneider’s interaction. Trooper

Link's dash camera contained visual but no audio.<sup>4</sup> Trooper Link's camera showed him arriving at the scene at 6:39 P.M. and parking in direct view of 55 North Avon Drive. W1 and W2 are seen walking on the sidewalk near 55 North Avon Drive, but they soon move across the street. Around 6:48 P.M., two DSP Troopers and a NCCPD Officer approached Schneider in his driveway – they conversed. Other law enforcement vehicles can be seen parking further down the street.

At approximately 7:03 P.M., officers retreat away from Schneider and the driveway and reposition across the street. Trooper Link's dash camera showed Schneider in the driveway with a firearm holstered on his left hip as he talked with law enforcement. Schneider is then viewed walking around in the driveway, leaning back and forth, and putting his hands on his knees – the firearm remained holstered on his waist. Meanwhile, a DSP Trooper knelt in the street with a rifle aimed at the ground while observing Schneider. Schneider traveled to the inside and rear of the residence, out of sight, multiple times. At 7:32 P.M., the dash camera showed Schneider under the carport with an unidentified object in his hand.

Around 8:03 P.M., Trooper Link's dash camera captured Schneider walking down the driveway into the street with a flashlight in his left hand. Schneider returned to the driveway and disappeared under the carport. At 8:33 P.M., Schneider reemerged, walking on the front lawn of 55 North Avon Drive and proceeding down a sidewalk towards the direction of law enforcement vehicles. Approximately 22 seconds later, Schneider was out of view of the camera. Trooper Link's dash camera did not capture the visual or audio of the shooting.

### **Medical Report:**

Schneider was admitted to Christiana Hospital on August 31, 2020, as a trauma patient with a gunshot wound to the left lower abdomen. He had abrasions across his forehead and right shoulder, soft abrasions on his right shin, a large, distended abdomen with tenderness, and an acute kidney injury. Several bullet fragments were found in the abdomen, the largest one of which measured 1.5 cm and was projected in the right side of the abdomen. Schneider was discharged from the hospital on September 16, 2020.

### **Ballistics Report:**

The two .223 Remington caliber cartridges (Winchester brand), whose casings were collected at the scene, were fired from an XM15 .223 Remington Bushmaster semi-automatic rifle. This was Officer Cronin's firearm.

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<sup>4</sup> Although Trooper McColgan's patrol vehicle dash cam did not capture a visual of the incident, it recorded audio. At 8:33:22 P.M., a radio communication broadcasted "He's on the sidewalk" in reference to Schneider. At 8:33:43 P.M., two gunshots were heard.



## Conclusion

The State must determine if the use of deadly force by Officer Steven Cronin against Schneider was a criminal act. Title 11 Section 464 of the Delaware Code defines the legal use of force in self-protection. It provides, in pertinent part, that “[t]he use of force upon or toward another person is justifiable when the [officer] believes that such force is *immediately necessary* for the purpose of protecting the [officer] against the use of unlawful force by the other person on the present occasion.”<sup>5</sup>

Under Delaware law, the state of mind of any person, in this case the law-enforcement officer, is the legal test to determine whether the use of force was legally justifiable against another person. The specific factual inquiry is two-pronged. The first question is whether the officer(s) actually believed, at the time they intentionally fired their weapon, that such action was necessary to protect themselves or others from death or serious physical injury. The second question is whether the officer was reckless or negligent in having such belief, or in acquiring or failing to acquire any knowledge or belief, which is material to the justifiability of the use of force. 11 *Del. C.* § 470(a). If such force is determined to have been justified, we will also examine whether such force negligently or recklessly created injury or risk of injury to innocent third parties pursuant to 11 *Del. C.* § 470(b).

Schneider was intoxicated, armed and behaving in an unpredictable and aggressive manner while officers attempted to de-escalate the situation. Officers knew that Schneider was intoxicated, and they observed him yelling and acting aggressively. Several officers, including Trooper Link, M/Cpl. Pietlock, and Officer Cronin saw a holster on Schneider’s hip, and were hearing reports that Schneider was armed, including with a long gun. Multiple officers told investigators that Schneider ignored Officer Cronin and M/Cpl. DiSabatino’s multiple commands to “stop” and continued to advance toward them and Trooper Ofner. As Schneider began approaching the front of the patrol vehicle, Officer Cronin moved towards the back of the vehicle. Officer Cronin intentionally positioned himself behind this vehicle to minimize any potential collateral damage when he fired his weapon. He took his position specifically to avoid any rounds from entering the house. Officer Cronin continued to give commands to “stop moving” and Schneider continued to ignore him and advance. Officer Cronin was aware that Troopers were on either side of him, as well as in a perimeter around the house. Officer Cronin saw Schneider then raise his left hand in a “threatening manner” and elaborated that it was not a motion consistent with surrender. He could not make out what was in Schneider’s hands given

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<sup>5</sup> Justification of use of force for the protection of other persons is also applicable, *See* 11 *Del. C.* § 465 “(a) The use of force upon or toward the person of another is justifiable to protect a third person when: (1) The defendant would have been justified under § 464 of this title in using such force to protect the defendant against the injury the defendant believes to be threatened to the person whom the defendant seeks to protect; and (2) Under the circumstances as the defendant believes them to be, the person whom the defendant seeks to protect would have been justified in using such protective force; and (3) The defendant believes that intervention is necessary for the protection of the other person.”

the dim lighting but was aware that Schneider was armed from prior reports that evening. Schneider disregarded commands to “stop” and got to within ten feet of the vehicle, at which time Officer Cronin made the decision to fire.

Officer Cronin stated that he made the decision to fire based on the reports that Schneider was armed, was refusing commands and approaching himself and other officers. He also could not see Schneider’s hands clearly and saw him lift his left hand in a “threatening” manner. Officer Cronin also said that if Schneider made it past the perimeter, there was no one else in Schneider’s way, and that Schneider was near a major roadway. Multiple NCCPD officers and DSP troopers, along with two civilian witnesses, saw Schneider with a holstered handgun on his belt and guns in his hands, including at one point a long gun. These officers and civilian witnesses also heard Schneider yelling and making aggressive threats and saw his agitation. Several officers also observed that Schneider was intoxicated and upset. Officers tried to give Schneider space and time to calm down, and the NCCPD Crisis Negotiation Team and SWAT Team made several attempts to get Schneider to surrender, without success.

Body worn cameras and video footage show Schneider had a gun in a holster on his hip, show officers giving him commands to disarm, and show officers communicating with Schneider in an attempt to de-escalate the situation. W6, a friend of Schneider’s, also came to try and speak with Schneider in hopes of calming him down and was unsuccessful. Officers told neighbors next door to Schneider and bystanders to evacuate and told other neighbors to shelter in place for their safety. Based on all of this information and unsuccessful attempts to get Schneider to disarm, calm down, and stop moving, Officer Cronin believed, at the time he fired his weapon, that this action was necessary to protect himself and the other officers nearby from death or serious physical injury. Under Delaware law, it is Officer Cronin’s individual subjective state of mind that is at issue. Based on the corroborated facts available, it was objectively reasonable for Officer Cronin to believe his life, or the lives of others, were in mortal danger.

Furthermore, Officer Cronin was not reckless or negligent in forming the belief that force was immediately necessary. Initially arriving on scene, Officer Cronin did not engage with Schneider, but waited with other officers behind a patrol vehicle while the Crisis Negotiation Team made contact with Schneider to attempt to get him to surrender. He and other officers waited for some time while the standoff between officers and Schneider continued. While waiting, he heard multiple reports of Schneider being armed, including with a long gun. Once Schneider began walking toward them down the sidewalk, Officer Cronin gave Schneider multiple commands to “stop moving” and these were ignored. Schneider continued to advance toward them and then raised his left hand, which contained an object that Officer Cronin was unable to identify. Officer Cronin suspected it might be a weapon based on reports of him being armed. Officer Cronin only fired his weapon when Schneider got within ten feet of the patrol vehicle he was behind. Therefore, pursuant to 11 *Del. C.* § 470(a) and based on these

corroborated facts, Officer Cronin was not reckless or negligent in forming the belief that force was immediately necessary.

Lastly, given that Officer Cronin was justified to use force towards Schneider pursuant to 11 *Del. C.* § 464, we further determine that he was not negligent or reckless in injuring or creating a risk of injury to third persons under 11 *Del. C.* § 470(b). Officer Cronin intentionally took a position behind the patrol vehicle to minimize any rounds from firing into the residence they were in front of, and to minimize any collateral damage. Officer Cronin was aware that troopers were on either side of him, not directly behind Schneider. Any civilians had been either evacuated or told to shelter in place, so there were no civilians outside or in the vicinity. W1 and W2 had been told by officers to move further down the block, out of eyesight of Schneider, and thus were also not in the vicinity. Officer Cronin was particular in firing his gun directly at Schneider. Based upon the threat presented (a suspect who was reportedly armed, intoxicated, agitated, near a major roadway and nearing the outer perimeter, and ignoring officers' commands) Officer Cronin took steps to mitigate any potential collateral damage; and thus, was not negligent or reckless in creating a risk or injury to third parties.

Upon careful consideration of the available evidence and the application of expert opinion to that evidence, Officer Cronin reasonably believed that the use of deadly force upon Schneider was immediately necessary for the purpose of protecting himself individually, other officers in the vicinity, and civilians nearby. For these reasons, the Department of Justice concludes the use of deadly force by Officer Steven Cronin upon Schneider does not constitute a criminal offense under the laws of the State of Delaware.